



***Substitute House Bill No. 5345***

***Public Act No. 13-88***

***AN ACT CONCERNING HOMEMAKER-COMPANION AGENCIES  
AND CONSUMER PROTECTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 20-678 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

On or after January 1, 2012, each homemaker-companion agency, prior to extending an offer of employment or entering into a contract with a prospective employee, shall require such prospective employee to submit to a comprehensive background check. In addition, each homemaker-companion agency shall require that such prospective employee complete and sign a form which contains questions as to whether the prospective employee was convicted of a crime involving violence or dishonesty in a state court or federal court in any state; or was subject to any decision imposing disciplinary action by a licensing agency in any state, the District of Columbia, a United States possession or territory or a foreign jurisdiction. Any prospective employee who makes a false written statement regarding such prior criminal convictions or disciplinary action shall be guilty of a class A misdemeanor. Each homemaker-companion agency shall maintain a paper or electronic copy of any materials obtained during the comprehensive background check and shall make such records

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available for inspection upon request of the Department of Consumer Protection.

Sec. 2. Section 20-679 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

(a) Not later than seven calendar days after the date on which a homemaker-companion agency commences providing homemaker services or companion services, such agency shall provide the person who receives the services, or the authorized representative of such person, with a written contract or service plan that prescribes the anticipated scope, type, frequency, duration and cost of the services provided by the agency. In addition, any contract or service plan provided by a homemaker-companion agency to a person receiving services shall also provide [notice] conspicuous notice, in boldface type (1) of the person's right to request changes to, or review of the contract or service plan, (2) of the employees of such agency who, pursuant to section 20-678, as amended by this act, are required to submit to a comprehensive background check, [and] (3) that upon the request of such person or an authorized representative of such person, such agency shall provide such person or representative of such person with written notice that a comprehensive background check, as required pursuant to section 20-678, as amended by this act, was performed for all employees of such agency performing services for such person, (4) that such agency's records are available for inspection or audit by the Department of Consumer Protection, (5) that the agency is not able to guarantee the extent to which its services will be covered under any insurance plan, and (6) that such contract or service plan may be cancelled at any time by the client if such contract or service plan does not contain a specific period of duration. No contract or service plan for the provision of homemaker or companion services shall be valid against the person who receives the services or the authorized representative of such person, unless the contract or service

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plan has been signed by a duly authorized representative of the homemaker-companion agency and the person who receives the services or the authorized representative of such person. The requirements of this section shall not apply to homemaker services or companion services provided under the Connecticut home-care program for the elderly administered by the Department of Social Services in accordance with section 17b-342. A written contract or service plan between a homemaker-companion agency and a person receiving services or the authorized representative of such person shall not be enforceable against such person receiving services or authorized representative unless such written contract or service plan contains all of the requirements of this section.

(b) Nothing in this section shall preclude a homemaker-companion agency that has complied with subdivisions (1) to (6), inclusive, of subsection (a) of this section from the recovery of payment for work performed based on the reasonable value of services which were requested by the person receiving services, provided the court determines that it would be inequitable to deny such recovery.

Sec. 3. (NEW) (*Effective January 1, 2014*) A client may cancel a contract or service plan entered into with a homemaker-companion agency, pursuant to chapter 400o of the general statutes, at any time if such contract or service plan does not state a specific period of duration. A client shall only be obligated to pay for actual services rendered pursuant to such contract or service plan. A client shall not be billed by or on behalf of a homemaker-companion agency for excess fees or costs when such agency provides the services of a higher-skilled individual than needed by the client.

Approved June 6, 2013